

August 28, 2006
Seven o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The regular meeting of the North Little Rock City Council was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: MARTIN GIPSON, NEIL BRYANT, LINDA ROBINSON, OLEN THOMAS, GARY BERRY, JOHN PARKER, CHARLIE HIGHT and MURRY WITCHER, a quorum was declared (8/0). City Clerk Diane Whitbey and City Attorney Paul Suskie were also present.

The invocation was given by Alderman Gipson, followed by the pledge of allegiance to the flag which was led by Alderman Bryant.

On the motion of Alderman Witcher and seconded by Alderman Berry and by consent of all members present, the minutes of a regular council meeting and a special call meeting held on Monday, August 14, 2006, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Gipson and seconded by Alderman Hight, and by consent of all members present, communications # 1, 2, 3, 4, 5, 6, 7, 8 and 9 were accepted and filed (8/0).

1. Sherah Warnock (via email) letter to Steve Nawojczk and Braye Cloud re: thank you related to presentation.
2. Thomas Albert, Vice President, Government Relations, Ringling Brothers and Barnum & Bailey, FELD Entertainment, Inc. letter to Mayor Hays re: PETA allegations.
3. Dan Flowers, Director of Highways and Transportation, Arkansas State Highway Commission letter to Mayor Hays re: inspection of area under Broadway Bridge in North Little Rock
4. Richard Harp, President, HBA-GRA (Home Builders Association of Greater Little Rock) letter to Mayor Hays re: supporting ballot proposal scheduled for September 12, 2006 (Pulaski County Jail Tax).
5. Jim Harvey, CEO Central Arkansas Water letter to Mayor Hays re: copy of survey pages on water service costs and rates for North Little Rock.
6. Becky Taylor, Mayor's Office, "The Dream Big Festival of the Arts" event held August 12, 2006.
7. Mayor Burch Johnson, City of Maumelle, letter to Mayor Hays re: assistance with post-storm cleanup.
8. Becky Taylor, Mayor's Office: Notice of Public Hearing, August 31, 2006, at 1:30 p.m., before the Board of Adjustment, Planning Department Conference Room B, 120 Main Street re: Verizon Wireless re: property located past the end of North Shore Drive and directly South of the White Oak Bayou Sewage Treatment Plant in North Little Rock.
9. Sharon Tedford, Mayor's Office memorandum re: application for Sunday Alcoholic Beverage Sales - Restaurant Mixed Drink permit for Classics Restaurant & Nightclub, 111 West Pershing, by Shari L. McKay.

Alderman Gipson asked about item O-06-74, Ordinance No. 7850, an ordinance vacating and abandoning an alley running East/West on a block bounded by Orange Street, West 7th Street, Maple Street and West 8th Street which was vetoed by Mayor Hays on August 17, 2006, at 10:33 a.m. Alderman Gipson made a motion to sustain the veto which was seconded by Alderwoman Robinson, and by consent of all members, unanimously adopted (8/0).

After discussion and advice from Mr. Suskie, the item was held until the end of the meeting, at which time Mayor Hays submitted the reason for his veto in writing:
August 28, 2006

Council Members:
Re: Ordinance No. 7850

I elected to veto this legislation on August 17, 2006, due to what I perceived as an access issue for residential property on the Northwest corner of the block.
I feel that unknown problems could develop if we use the remedy of closing an alley if there are other ways to address the needs of interested property purchasers.
Your consideration would be appreciated.

Patrick Hays, Mayor

*This item was recalled at the end of new business, a second motion was made by Alderman Gipson and seconded by Alderman Berry, and all members present voted in the affirmative, to again sustain the veto (8/0).

UNFINISHED BUSINESS

R-06-110

A RESOLUTION REQUESTING THE INSTALLATION OF FOUR-WAY STOP SIGNS AND MARKED CROSSWALKS; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Alderman Gipson who said signs had been installed and Police Officers have been issuing citations.

R-06-111

A RESOLUTION REQUESTING THE INSTALLATION OF FOUR-WAY STOP SIGNS AT LOCATIONS ON MAPLE STREET; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Alderman Gipson who said signs have been installed.

R-06-112 (RESOLUTION NO. 6989 - ALDERMAN BERRY)

A RESOLUTION REQUESTING THE INSTALLATION OF SIGNS IN THE WEST SCENIC DRIVE AREA; AND FOR OTHER PURPOSES, was read. Mayor Hays said he has received complaints from residents having difficulty getting out of their driveways in the area. Some signs have been installed. A motion to adopt was made by Alderman Berry and seconded by Alderman Gipson. Alderman Parker said he would like to see “no thru traffic” signs on Scenic Drive off of Pershing and Valley View at the base of the Drive with 35th Street. After discussion to determine if “no thru traffic” is an enforceable issue and scenarios regarding the same, Mayor

Hays asked Mr. Suskie and Police Chief Danny Bradley to research the issue at which time they left the chambers to review city ordinances and state statutes. Alderman Parker said he still wants the signs. On the motion of Alderman Berry and seconded by Alderman Parker, and by consent of all members present, with the exception of Alderman Witcher who voted no, the resolution was amended as follows:: *insert in Section 1: b) 3) SCENIC DRIVE OFF OF PERSHING, AND, 4) VALLEY VIEW AT THE BASE OF THE DRIVE AND 35TH STREET.* (7/1). The legislation was then held until Mr. Suskie and Chief Bradley returned. The resolution was recalled at the conclusion of new business. Mr. Suskie advised the city does not have an ordinance regulating thru traffic. Under state law, there is a vague definition. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted as previously amended (8/0).

NEW BUSINESS

R-06-113 (RESOLUTION NO. 6986 - MAYOR HAYS)

A RESOLUTION EXPRESSING THE INTENT OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO REIMBURSE EXPENDITURES OF THE CITY PERTAINING TO CERTAIN CAPITAL IMPROVEMENTS FROM THE PROCEEDS OF ELECTRIC SYSTEM REVENUE CAPITAL IMPROVEMENT BONDS TO BE ISSUED BY THE CITY; APPOINTING BOND COUNSEL AND AN UNDERWRITER; AND SETTING FORTH OTHER MATTERS PERTAINING THERETO, was read. Mayor Hays asked Mr. Joe Gertsch, Director of North Little Rock Electric to come forward and review the legislation which would permit expenditures from this point forward should the council act favorably regarding the Big Cajun Project. Alderman Gipson asked if the council would be provided information on the status of the project. Mr. Gertsch said this plan provides the city Equity/Ownership in the project. Mayor Hays said this is not a commitment but would give the city an opportunity to withdraw if necessary. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the resolution was unanimously adopted (8/0). (*Bond Counsel: Rose Law Firm; Underwriter: Stephens, Inc. - up to \$170,000,000.00*).

R-06-114 (RESOLUTION NO. 6987 - MAYOR HAYS)

A RESOLUTION APPROPRIATING FUNDS FOR FINAL PAYMENT TO SPRINT COMMUNICATIONS FOR RELOCATION OF THEIR FACILITIES IN EASEMENTS ON CERTAIN PROPERTY KNOWN AS THE UNION PACIFIC BERM PROPERTY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). (*\$11,265.52 - Sales Tax Capital Improvement Fund*).

R-06-115 (RESOLUTION NO. 6988 - ALDERMAN PARKER)

A RESOLUTION URGING THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT TO STUDY AND HOLD A PUBLIC HEARING ON THE ISSUE OF A SOUND/CRASH BARRIER WALL ALONG INTERSTATE 40 IN THE LEVY AREA OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderman Parker asked Mr. Bill Fortson to come forward. Mr. Fortson provided the City Clerk with petitions (containing 72 signatures) requesting the Arkansas Highway and Transportation Department construct a Sound/Crash Barrier Wall due to interstate noise and vehicle accidents from the

freeway. Mr. Fortson said there was no notification to residents in the area regarding a public hearing to seek their input. Alderman Hight asked what the barrier would look like. Mr. Fortson provided a brief description. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-06-77

AN ORDINANCE ESTABLISHING A LOW INCOME ELECTRIC CUSTOMER ASSISTANCE FUND FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). The ordinance was read a second time. Mr. Gertsch advised there was an amendment. Mayor Hays held the legislation until Mr. Suskie returned to the chambers. Mr. Gertsch described the Assistance Fund and how it would be administered and collected, and opting out of the fund (previously described August 14, 2006). Mayor Hays said residential, commercial and industrial customers would be included. Revenue from interest was discussed. Alderman Hight asked about customers automatically being in the program. Mayor Hays said penalties cannot be increased and then given away. Mr. Suskie said he did not believe the Electric Department could contribute to the fund. Alderman Gipson said Sections 3 and 5 needed to be amended to make the effective date January 1, 2007, and Sections 7 and 8 to indicate when a pledge card would be mailed to customers. Alderman Gipson advised \$100,000.00 is not a lot of money and ways to enhance the fund needed to be considered. The legislation was then held by the sponsor, Mayor Hays to allow time for amendments to be considered and submitted.

O-06-78 (ORDINANCE NO. 7853 - MAYOR HAYS)

AN ORDINANCE AUTHORIZING THE MAYOR TO EXECUTE A QUITCLAIM DEED ON BEHALF OF THE CITY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Berry and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. The property in question was provided to the city through a Quit Claim Deed (1216 W. 3rd Street) from Mr. William B. Gabriel. Ms. Lisa Ferrell is attempting to purchase the property. On the motion of Alderman Berry and seconded by Alderwoman Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-06-77 was recalled (see above).

O-06-79

AN ORDINANCE TO DEFINE WARD DRAINAGE FUNDS AND CLARIFY THEIR USE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On

the motion of Alderman Thomas and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Thomas said the drainage fund was created with an understanding as to what funds could be used for. People request funds for other uses. Mr. Bob Sisson, Finance Director was unaware of any drainage funds being used for purposes other than those specified and that council members (from the Ward) have to approve use of the funds in writing. Mr. Suskie said Section 2 would require that the drainage fund monies not be spent or allocated without specific approval from the City Council. Alderman Gipson said Aldermen from the other three wards should not determine the use of funds in Ward 1 and vice versa and referenced impact fees. Alderman Gipson made a motion to adopt on third and final reading, which was seconded by Alderwoman Robinson. Alderwoman Robinson reiterated this legislation would change the procedure for allocating drainage funds. Alderman Thomas said if the council was satisfied with the current ordinance, he would withdraw this legislation. Alderman Gipson withdrew his motion to adopt and Alderwoman Robinson withdrew her second. The item was withdrawn by the sponsor, Alderman Thomas.

O-06-80

AN ORDINANCE ESTABLISHING THE RIVER ROAD OVERLAY DISTRICT AND AMENDING ORDINANCE NO. 7697, THE NORTH LITTLE ROCK ZONING ORDINANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

Alderman Gipson asked if a public hearing was necessary and asked why Ms. Ferrell's property was not included. Ms. Ferrell understood it was. Mr. Robert Voyles, Planning Director advised it was not and advised Planning was working on a new use which would come before the council on a later date. He then described the area and that no existing houses or restoration to them would be included. There were no concerns at the planning level. Ms. Ferrell said there were three people who spoke favorably. On the motion of Alderman Gipson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). Mayor Hays scheduled a public hearing for 7:05 p.m. on Monday, September 11, 2006. The ordinance was read a second time and held by the sponsor, Mayor Hays. Alderman Gipson asked for a list of what would and wouldn't be allowed.

O-06-81

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE § 10-41 TO REGULATE THE TETHERING OF DOGS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Mayor Hays scheduled a public hearing for 7:05 p.m. on Monday, September 11, 2006. The ordinance was then held.

O-06-82 (ORDINANCE NO. 7854 - ALDERMEN WITCHER AND HIGHT)
AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 6001 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-2 TO PLANNED USE DEVELOPMENT (PUD), TO ALLOW A TIRE SERVICE CENTER, BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, DECLARING AN EMERGENCY AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderman Hight said there were people present who wanted to speak regarding this issue. Mr. Voyles advised the matter had been through the Planning Commission, he then reviewed allowed uses in the area, and said the applicant had made changes so the building would fit the residential character of the area as requested by the commission and the property has been classified C-2 for more than 30 years. Sidewalks, vehicle bays and traffic flow were discussed. Mr. Voyles said everyone within a certain distance was notified of the hearing before the Planning Commission. Mr. Mike Fredricks with Metropolitan advised the land/property will be leased, not sold. Mr. Tim Wylie, the applicant, advised the building complies with the requests of the Planning Commission and has a residential appearance to it, including an asphalt tile roof and dormers. The store will not create a lot of traffic, maybe 60 customers a day. Noise will be limited due to screening from trees. Hours of operation would be 7:30 a.m. until 5:30 p.m. Lighting would be minimal so as not to disturb residents in the area. Mr. Wylie mentioned some of the allowed uses in a C-2 zone would be worse than this one. Ms. Cindy Riable is opposed and circulated a petition regarding opposition to the rezoning of the property and a petition opposed to entrances or exits to any business building on the South corner of Kierre Drive and John F. Kennedy due to bad vision in the area and traffic volume. Mr. James Ard asked where the tires would be stored and would the area be kept clean. Mary Roberts asked the council to consider children and school buses in the area. Chris Keller had not heard about this request until Saturday and said a majority of the neighbors are still unaware of this. Disallowing left turns onto JFK will increase traffic on Kierre. Dr. Craig Stotts said there is a lot of high speed traffic in the area. Tire stores are not quiet. Joe Reynolds said a business will locate at the site sooner or later and has business interests on JFK. Brenda Wilson agreed something will locate on the site but her concern is vehicles backing up in the area. The entrances to the business need to be on JFK and not Kierre. Alderman Witcher advised the property owner will be developing other property in the area. There will be no outdoor displays or banners. Regarding noise, the bay doors are against the hillside. In the summer months, the doors will be open. Alderman Berry said if this was not a PUD request, the matter would not be before the council. Alderman Gipson said the council previously granted a use for this property and was disappointed when a billboard was placed on the site. Ms. Riable referenced a utility pole surrounded by four smaller poles in the curve area. Cheryl Stotts said she was unaware of this issue and residents of Summerwood were not informed. A motion to adopt was made by Alderman Hight and seconded by Alderman Witcher, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderman Thomas who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0). (*applicant: Tim Wylie*) Alderman Gipson said Kierre is the only street with a curve and hill coming out of a residential neighborhood. Mayor Hays asked

Mr. Voyles to contact Mr. Tim Marvin, Traffic Services Director regarding increased traffic in the area. Ms. Roberts said the fence between Kierre and Overbrook Apartments is in poor repair.

Mayor Hays recessed the meeting at 9:20 p.m. Mayor Hays reconvened the meeting.

O-06-83 (ORDINANCE NO. 7855 - ALDERMAN THOMAS)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AN OFFICE, CHAPEL AND TRANSITIONAL SHELTER FOR 50 MEN IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3719 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Thomas and seconded by Alderwoman Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). Alderman Gipson said he was concerned based on previous operations at this location. Alderwoman Robinson toured the facility and advised there were concerns based on previous problems. They will not have 50 parolees, only about 25, the rest of the men in the shelter would be homeless. Requirements and stipulations are in place, including they will not house sex offenders or people who are mentally ill. They have no ties to the previous owners. Dr. Melvin Brigham said the goal is to not only be a transitional shelter for parolees but to help get homeless men off the streets. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the ordinance was amended as follows: *Section 2: e) insert ...INDIVIDUALS WITH MEDICALLY DIAGNOSED MENTAL CONDITIONS* (8/0). Council members restated concerns. Inspections of the property will take place quarterly. On the motion of Alderman Thomas and seconded by Alderman Berry, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Dr. Melvin Brigham*)

O-06-84 (ORDINANCE NO. 7856 - ALDERWOMAN ROBINSON)

AN ORDINANCE VACATING AND ABANDONING AN ALLEY RUNNING EAST/WEST BETWEEN NORTH CHERRY AND NORTH CLOVER STREETS IN BLOCK 28, CHOCTAW ADDITION TO THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Robinson and seconded by Alderman Berry, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

*R-06-112 was recalled (see above)

*Discussion regarding the veto of Ordinance No. 7850 see above.

PUBLIC COMMENTS-----

Alderwoman Robinson asked if Mr. Harold Ford, Sanitation Director and Mr. Tom Wadley, Code Enforcement Director could meet her at the Argenta Neighborhood meeting, September 7, 2006, at 6:00 p.m. to discuss concerns from the group. Alderwoman Robinson asked Mr. Voyles to describe the difference between a Special Use and a Conditional Use. A Special Use is an exception to zoning and does not transfer with the property. A Conditional Use goes with the property as long as the conditions stay. Alderman Hight received a call from a constituent regarding Sanitation picking up decking debris and commended them. Mayor Hays echoed the job the Sanitation Department does regardless of the weather. Alderman Hight reminded everyone of the Big Dam Bridge Celebration October 1. Alderman Thomas said an alley in the area of 1320 and 1324 Franklin Street needs to be cleaned. Mr. Ard acknowledged Mayor Hays' button for the Sales Tax Election September 12 and reminded everyone to vote. Mr. Ard asked if customers in good standing with the Electric Department could receive power at cost. Mayor Hays said the law will not allow it. Mr. Ard said recycling is not picked up in some neighborhoods. Mr. Ard said someone from the city should check on signs placed on properties being considered for rezoning, etc. and make sure they are visible. Mayor Hays advised early voting started at the Pulaski County Courthouse today and will be at Laman Library next week, beginning on Tuesday and encouraged everyone to vote. Ms. Winnie Johnson said she has worked with children at the Washington Street Community Center but doesn't know what activities are scheduled. Mayor Hays asked her to contact Steve Nawojczyk for information. Ms. Margo Tennor said she had problems with Sanitation picking up trash and compacting it in front of her business, Margo's Diner. The liquid from the truck spills onto the street and smells. The truck could go across the street to compact trash by the storm drain. She said after complaining, her trash was not picked up until the end of the day. Wally Caradine, Architect for Eastern Star Church thanked the council for their vote regarding the alley between North Cherry and North Clover Streets. Mr. Sam Baggett thanked the North Little Rock Sertoma Club for sponsoring Levy Day. The Sertoma Club has decided to hold a Sertoma Argenta Downtown Political Rally instead. Mr. Baggett said they are looking for a new sponsor and asked council members to let him know if they knew of anyone. Levy Day is a tradition they want to keep in their area. Mr. Bobby Taylor spoke about the transitional shelter and advised there were a lot of problems before which included people walking the streets at all hours. Mr. Taylor said he is out at different times and sees a lot. Mr. Reynolds asked how the city keeps up with Special Use permits and said someone should check on all of them. Mr. Reynolds spoke against the Jail tax and cited gross mismanagement of funds.

There being no further business to come before the Council, and on the motion of Alderman Gipson and seconded by Alderman Witcher, and by consent of all members present, the meeting adjourned at 10:09 p.m. (8/0), until the next regular meeting to be held on Monday, September 11, 2006, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: MAYOR PATRICK HENRY HAYS
ATTEST: DIANE WHITBEY, CITY CLERK